

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JEROME LYNN HOLLY,

Petitioner,

v.

CV 12-0952 MCA/WPL

ERASMO BRAVO,

Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter is before me on the Magistrate Judge's Proposed Findings and Recommended Disposition ("PFRD") (Doc. 58) and Petitioner Jerome Lynn Holly's objections thereto (Doc. 59). The PFRD recommended dispositions as to Holly's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. 1) and his motion for leave to amend the petition (Doc. 27). Respondent Erasmo Bravo did not file a response to Holly's objections.

Holly states that he does not object to the Magistrate Judge's findings regarding the date on which his conviction became final or the Magistrate Judge's conclusion that no state-created impediment prevented him from meeting his one-year statutory deadline under 28 U.S.C. § 2244(d)(1). Holly also does not object to the Magistrate Judge's recommendation that his motion for leave to amend be denied. Although Holly does object to the Magistrate Judge's conclusion that he is not entitled to equitable tolling of the statute of limitations, in doing so he raises the same arguments that he previously voiced in his petition and that the Magistrate Judge expressly considered and rejected in the PFRD. Having fully reviewed and considered the pleadings, the arguments and the record de novo, the Court agrees with the Magistrate Judge's

analysis. Accordingly, the Court finds that Holly's objections are without merit, and those objections are overruled.

IT IS THEREFORE ORDERED that:

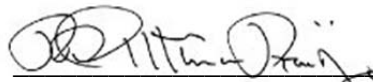
1) the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 58) are adopted by the Court;

2) Holly's § 2254 Petition (Doc. 1) is DENIED as untimely;

3) Holly's motion for leave to amend (Doc. 27) is DENIED;

3) this cause is dismissed with prejudice; and

4) a certificate of appealability is DENIED.


UNITED STATES DISTRICT JUDGE